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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO.

10/600,140

06/20/2003

Srinivas S. Pitla

V-203-0106 (1-16449)

6264

27378

7590

07/23/2004

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EXAMINER LOPEZ, FRANK D

ART UNIT

PAPER NUMBER

3745

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	1111
Office Action Summary	10/600,140	PITLA ET AL.	//////
	Examiner	Art Unit	100
The MAIL INC DATE And	F. Daniel Lopez	3745	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered time the mailing date of this o	ly. communication.
Status			
1) Responsive to communication(s) filed on	_•		
2a) This action is FINAL . 2b) ⊠ This	action is non-final.		
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is			
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.	
Disposition of Claims			
 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) 1-6,8-13,15-20 is/are rejected. 7) Claim(s) 7 and 14 is/are objected to. 8) Claim(s) are subject to restriction and/or 			
Application Papers			
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the original transfer of the property of the second	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CF	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori application from the International Bureau * See the attached detailed Office action for a list of	have been received. have been received in Application ty documents have been receive (PCT Rule 17.2(a)).	on No d in this National	Stage
Attachment(s)			
Notice of References Cited (PTO-892)	4) Interview Summary (
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6/20/03. 	Paper No(s)/Mail Dai 5) Notice of Informal Pa 6) Other:		9-152)

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Claim Rejections - 35 USC § 112

Claims 15-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15 line 12-13 "a pair of shoes adapted to be seated in a pocket" is wrong, since the pair of shoes are in respective pockets.

Claims not specifically mentioned are indefinite, since they depend from one of the above claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8-11, 13, 15-17 and 19 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Nakamura 6,158,968 (see below).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Claims 5, 12 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by, or under 35 U.S.C. § 103 as being unpatentable over Nakamura (6,158,968). See, for example, fig 7, which shows a pair of shoes (118) having a flat surface (118b) slidingly engaging the arm (113a) of the swash plate (by rotating). Note that the surface of the shoe engaging the pocket (129, 130) of the arm (109a, 109b) of the rotor appears to be semi-spherical. If not, it would be obvious to make the surface semi-spherical, as taught by fig 9 (e.g. column 7 line 22-23), as an alternate shape.

Conclusion

Claims 7 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is (703) 308-0008. The examiner can normally be reached on Monday-Thursday from 6:30 AM -4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on (703) 308-1044. The fax number for this group is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.

F. Daniel Lopez

Primary Examiner
Art Unit 3745

July 22, 2004